

California Regional Water Quality Control Board
Santa Ana Region

IN THE MATTER OF:

J.K. Properties, Inc.)	Complaint No. R8-2006-0060
2016 Riverside Drive)	for
Los Angeles, CA 90039)	Administrative Civil Liability

YOU ARE HEREBY GIVEN NOTICE THAT:

1. J.K. Properties, Inc., is alleged to have violated provisions of law for which the California Regional Water Quality Control Board, Santa Ana Region (hereinafter Board), may impose administrative civil liability pursuant to California Water Code Section 13385.
2. A hearing concerning this complaint will be held before the Board within 90 days of the date of issuance of this complaint, unless J.K. Properties, Inc., waives its right to a hearing. Waiver procedures are specified in Paragraph 10 of this complaint. If the hearing on this matter is not waived, the hearing will be held during the Board's regular meeting at 9:00 a.m. on October 13, 2006, at Eastern Municipal Water District, 2270 Trumble Road, Perris, California. J.K. Properties, Inc., or its representative will have the opportunity to appear and be heard and to contest the allegations in this complaint and the imposition of civil liability by the Board.
3. If the October 13, 2006 hearing on this matter is held, the Board will consider whether to affirm, reject, or modify the proposed administrative civil liability or whether to refer the matter to the Attorney General for recovery of judicial civil liability.
4. J.K. Properties, Inc., is alleged to have violated California Water Code Section 13376 by allowing or causing waste (i.e., sewage) to be discharged to waters of the United States without filing a report of waste discharge in accordance with California Water Code Section 13260.
5. This complaint is based on the following facts:
 - A. J.K. Properties, Inc., owns and operates the Faircrest Apartment complex located at 10250 Beach Boulevard in the City of Stanton. J.K. Properties, Inc., purchased Faircrest Apartments in 1996. This is a 228 unit complex that was built in 1971.

- B. The sewage from this complex is lawfully discharged to the City of Stanton sewer system, which, in turn, is conveyed to the publicly owned treatment works operated by the Orange County Sanitation District.
- C. At about 4:00 p.m. on Saturday, October 15, 2005, a sewage overflow began at the Faircrest Apartments due to a blockage in an onsite, sewer lateral. Sewage flowed into an onsite stormwater catch basin, that was connected to the municipal storm drain in Beach Blvd. The apartment manager contacted a plumber who attempted to clear the blockage, but was unsuccessful with the available equipment. When the plumber said additional equipment was needed with a resulting increase in cost of services, the apartment manager was unable to secure approval from the property management company to pay for and perform the work. Consequently, the overflow from the onsite sewage system continued unabated.
- D. On Sunday, October 16, 2005, at about 8:45 a.m., the Orange County Fire Authority notified the City of Stanton Public Works Department of a citizen complaining about the continuing sewage flow coming from the Faircrest Apartments. Stanton Public Works dispatched a sewer jet truck to unplug the onsite line. The sewer lateral was cleared at about 10:30 a.m. that morning.
- E. The City of Stanton Public Works Department determined that approximately 28,000 gallons of sewage spilled from the apartment complex, of which an estimated 4,000 gallons were recovered.
- F. This was not the first incident of sewage overflowing from this complex to the municipal storm drain system. On May 17, 1999, an overflow at the Faircrest Apartments resulted in an estimated volume of 6,000 gallons of sewage discharging to the storm drain system. Board staff sent a letter, dated May 28, 1999, to Ms. Sharon Gotchell, the apartment manager at the time, stating that the discharge was prohibited under California Water Code Section 13376 and was subject to administrative civil liability. Although no administrative civil liability was assessed, Board staff did advise Ms. Gotchell that a future spill could subject the owner of the apartment complex to administrative civil liabilities.
- G. The May 28, 1999 letter from Board staff also expressed concern that the difficulty experienced in clearing the blockage in the onsite collection system for the May 17, 1999, spill incident was indicative that insufficient effort had been expended by the owner to routinely clean and maintain the onsite sewage collection system.

- H. On February 2, 2003, City of Stanton Public Works responded to another sewage overflow from Faircrest Apartments which flowed into an onsite stormwater catch basin, which subsequently connected to the municipal storm drain in Beach Blvd. This spill was estimated by the city department to be 10,400 gallons of sewage. The Regional Board first learned of this incident on February 28, 2006, following a request for information on the apartment complex from the Orange County Health Department.
6. All three spills occurred from the apartment sewage collection system owned and operated by J.K. Properties, Inc. J.K. Properties, Inc., does not have a permit to discharge sewage from this system to waters of the United States, and is, therefore, liable for unauthorized discharges of wastes from this system in violation of Water Code Section 13376.
7. Pursuant to Section 13385(c), the Board can administratively assess civil liability in an amount not to exceed the sum of the following:
- A.) Ten thousand dollars (\$10,000) for each day in which the violation occurs; and,
- B.) Where there is a discharge, any portion which is not susceptible to clean up or is not cleaned up, and the volume discharged, but not cleaned up, exceeds 1,000 gallons, an additional liability not to exceed ten dollars (\$10) times the number of gallons by which the volume discharged, but not cleaned up, exceeds 1,000 gallons.
8. In accordance with Water Code Section 13385(c), the maximum liability for the violation cited is \$250,000. The maximum liability assessment has been calculated as follows:
- A) \$20,000, based on two days of discharge (October 15 and 16, 2005) at \$10,000 per day, plus
- B) \$230,000, based on \$10 per gallon for each gallon over the first 1,000 gallons discharged but not cleaned up ([24,000 gallons – 1,000 gallons = 23,000 gallons] x \$ 10/gal = \$230,000).
9. Water Code Section 13385 (e) specifies factors that the Board shall consider in establishing the amount of civil liability. After consideration of these factors, the Executive Officer proposes that civil liability be imposed on J.K. Properties, Inc., in the amount of \$125,000 dollars for the violation cited above.

10. J.K. Properties, Inc., may waive its right to a hearing in this matter. If J.K. Properties, Inc., waives its right to a hearing, they should sign the waiver, which is attached to this Complaint, and return it, together with a check payable to the State Water Resources Control Board in the amount of \$125,000. Send the check and signed waiver to:

Santa Ana Regional Water Quality Control Board
3737 Main Street, Suite 500
Riverside, CA 92501-3339

If you have any questions concerning this complaint, contact the undersigned at 951-782-3284, Stephen D. Mayville, Enforcement Section Chief at 951-782-4992, or Jorge Leon, the Board's staff counsel, at 916-341-5180.

8-18-06

Date



Gerard J. Thibeault
Executive Officer

California Regional Water Quality Control Board
Santa Ana Region

IN THE MATTER OF:

J.K. Properties, Inc.)	Complaint No. R8-2006-0060
2016 Riverside Drive)	for
Los Angeles, CA 90039)	Administrative Civil Liability

Waiver of Hearing

J.K. Properties, Inc., agrees to waive its right to a hearing before the Santa Ana Regional Water Quality Control Board with regard to the violation alleged in Complaint No. R8-2006-0060. J.K. Properties, Inc., has enclosed a check payable to the State Water Resources Control Board in the amount of the proposed liability in paragraph 9 of complaint No. R8-2006-0060. J.K. Properties, Inc., understands that it is giving up its right to be heard and to argue against the allegations made in Complaint No. R8-2006-0060, and against the imposition of, and amount of, civil liability.

Date

for J.K. Properties, Inc.



California Regional Water Quality Control Board

Santa Ana Region



Linda S. Adams
Secretary for
Environmental Protection

3737 Main Street, Suite 500, Riverside, California 92501-3348
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Arnold Schwarzenegger
Governor

August 18, 2006

Certified Mail
Return Receipt Requested

Mr. Anil Mehta, President
J.K. Properties, Inc.
2016 Riverside Drive
Los Angeles, CA 90039

ADMINISTRATIVE CIVIL LIABILITY COMPLAINT NO. R8-2006-0060

Dear Mr. Mehta:

Enclosed is Complaint No. R8-2006-0060 assessing administrative civil liability for violations of the California Water Code Section 13376, for the Faircrest Apartments, located at 10250 Beach Blvd in the City of Stanton. The complaint alleges that between October 15, 2005 and October 16, 2005, approximately 28,000 gallons of raw sewage were discharged from the Faircrest Apartments' sewage collection system onto Beach Blvd., and thence into the flood control channel at Rose St. and Electric St., a tributary to the Pacific Ocean (a water of the United States).

A public hearing on this matter will be scheduled for the Regional Board's regular meeting at 9:00 a.m. on October 13, 2006, at Eastern Municipal Water District, 2270 Trumble Road, Perris, California. An agenda and a staff report will be provided to you not less than 10 days prior to the meeting.

If you choose to waive your right to a hearing, please complete the enclosed waiver form and submit it to this office prior to the hearing along with a check for the proposed amount of civil liability (\$125,000). The check should be made payable to the State Water Resources Control Board.

If you do not wish to waive your right to a hearing, you should contact this office to schedule a pre-hearing meeting. At that time, you may submit information that may not have been previously available to Regional Board staff regarding this matter. The information should address the following items:

1. Nature, circumstances, extent and gravity of the violation;
2. Your ability to pay the proposed assessment;
3. Any prior history of violation;
4. Your degree of culpability;

California Environmental Protection Agency



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5. Economic benefit, or savings, resulting from failure to properly maintain the apartment's sewage collection lines; and
6. Such other matters that justice may require.

If you have any questions, or wish to schedule a pre-hearing meeting, please call Stephen D. Mayville, Chief of the Enforcement Section, at (951) 782-4992, or Bill Norton at (951) 782-4381.

Sincerely,



Gerard J. Thibeault
Executive Officer

Enclosures: Administrative Civil Liability Complaint No. R8-2006-0060
Waiver of Hearing

cc: (w/enclosures)
Regional Board
State Water Resources Control Board, Office of the Chief Counsel – Jorge Leon
State Water Resources Control Board, Division of Water Quality
U.S. Environmental Protection Agency, Region IX, Permits Issuance Section – Eugene Bromley (W-5-1)
U.S. Environmental Protection Agency, Region IX, Clean Water Act Compliance Office – Kenneth Greenberg
Lawyers for Clean Water
Orange County Water District – Greg Woodside
Orange County Coast Keeper
NRDC – David Beckman
Larry Honeybourne, Orange County Environmental Health Dept.
City of Stanton
Orange County Sanitation District

